



Staff Report

CITY ATTORNEY CONTRACT RENEWAL FOR THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2010

Honorable Mayor and Council Members:

Summary

The City Council has negotiated new contract terms re-appointing Mr. Marc L. Zafferano as the Belmont City Attorney. The new contract is for a period of three years beginning July 1, 2007. Adoption of the attached resolution will authorize execution of this contract.

Background

On February 22, 2005, the City Council approved a resolution appointing Marc Zafferano as the Interim City Attorney. On June 28, 2005, the City Council announced its decision to recognize Mr. Zafferano for his excellent service during the previous 5 months and appointed him as the City's permanent Attorney. Mr. Marc Zafferano has served as the City of Belmont's City Attorney for the last two years. His current contract is due to expire June 30, 2007. A professional services contract has been negotiated and is being submitted for City Council approval.

General Plan/Vision Statement

A top notch Attorney is critical to a City attaining its vision. Mr. Zafferano is a proven professional that is making a significant contribution towards attaining the City vision.

Discussion

The basic terms of this three year contract are as follows:

- Three year contract effective July 1, 2007 expiring June 30, 2010.
- For the period July 1, 2007 through June 30, 2008, the monthly retainer shall be \$9,000 per month and the non retainer work shall be billed at the rate of \$200 per hour;
- For the period July 1, 2008 through June 30, 2009, the monthly retainer shall be \$9,300 per month and the non retainer work shall be billed at the rate of \$210 per hour;
- For the period July 1, 2009 through June 30, 2010, the monthly retainer shall be \$9,700 per month and the non retainer work shall be billed at the rate of \$225 per hour;

- City contribution to retirement (PERS) on the same basis as it does for its management employees. City Attorney shall be responsible for contributing member paid portion 7%
- Annual Performance Evaluations;
- 60 day termination clause by either party

These rates compare favorably to other City Attorney compensation rates.

Fiscal Impact

The legal retainer portion of this contract will cost \$ 108,000 in the first year, escalating thereafter in accordance with the contract. Additional hourly work at the rate of \$ 200 per hour will depend upon the number of claims filed and litigation requirements. The total FY 2007-08 budget in the City Attorney budget for these services is \$296,081.

Public Contact

Posting of City Council agenda

Recommendation

The attached resolution authorizing a professional services agreement for City Attorney services is recommended for approval by the City Council.

Alternatives

1. Direct City Manager to continue negotiations with the City Attorney
2. Solicit proposals from other experienced Municipal Attorneys

Attachments

- A. Resolution Authorizing a Three Year Professional Services Agreement for City Attorney Services

Respectfully submitted,

Jack R. Crist
City Manager

Staff Contact:

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
AUTHORIZING A CONTRACT FOR CITY ATTORNEY SERVICES**

WHEREAS, Whereas, Mr. Marc Zafferano has served with distinction as Belmont's City Attorney for the last 2 ½ years; and

WHEREAS, The City Council wishes to enter into a new contract for services and appoint Marc L. Zafferano as Belmont City Attorney, as reflected in Exhibit 1; and

WHEREAS, the new contract terms and conditions have been agreed upon between the City and Mr. Zafferano;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Belmont hereby authorizes and directs the City Manager to execute said contract.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on June 26, 2007 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont